

In the Matter of Merchant Mariner's Document Z-769505

Issued to: CLARENCE ROMAN JEFFERSON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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CLARENCE ROMAN JEFFERSON

This appeal comes before me by virtue of 46 United States Code 239 (g) and 46 Code of Federal Regulations 137.11-1.

On July 12, 1949, an Examiner of the United States Coast Guard entered an order revoking Merchant Mariner's Document Z-769505 held by Clarence Roman Jefferson, upon a plea of guilty to a charge of misconduct, supported by a specification alleging possession of a quantity of morphine hydrochloride contrary to law, while employed as a room steward on the USAT THOMAS H. BARRY on May 20, 1949 in New York, New York. Appellant, appearing with counsel, pleaded guilty to the charge of misconduct and to the specification charging the unlawful possession of narcotics, contrary to law. The appellant did not take the stand in his own behalf, but his counsel submitted a discharge under honorable conditions from the United States Army, as well as numerous discharges from Army transport vessels, as evidence of prior good conduct.

The investigating officer described the results of his investigation of the complaint. After receiving this evidence, the examiner found the charge and specification proved by the appellant's plea and entered an order of revocation.

From that order, this appeal has been taken and it is contended that the order of revocation is excessive, arbitrary and capricious.

OPINION

The record in this case shows that the appellant does not deny the illegal possession of the morphine hydrochloride. On the other hand, he freely admits the manner in which he procured the same and the purpose for which he was endeavoring to smuggle the narcotics ashore. The story which the appellant related as to the manner in which he acquired possession of the narcotic and his immediate recognition of the substance as a narcotic is specious in the extreme. The Bureau of Narcotics advises that it is not possible for a person who is unfamiliar with drugs to determine at a glance that a certain substance is morphine hydrochloride. It appears that the only two methods by which such a determination can be made are that the person is either an addict or he has purchased the substance as being morphine hydrochloride.

I am cognizant of the severity of an order of revocation of a license or certificate held by a merchant seaman. On the other hand, I am also fully aware of the potential danger which the user of narcotic drugs represents to fellow crew members, as well as to the vessel entity. Further, I am fully appreciative of the possibilities for smuggling of narcotics that is open to a seafarer if he desires to engage in such illegal traffic. It is my firm conviction that persons addicted to the use of narcotic drugs, or those who attempt to engage in the illegal importation of narcotic drugs from the vessels upon which they are employed are undesirable seamen aboard vessels of the United States. From the evidence which was before the examiner I find nothing in the punishment meted out to the appellant that is capricious, arbitrary or excessive.

In view of the foregoing, I find nothing to warrant my intervening in this case.

CONCLUSION AND ORDER

It is ordered and directed that the decision and order of the Coast Guard dated July 12, 1949 should be, and it is AFFIRMED.

J. F. FARLEY
Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 1st day of Sept, 1949.